



25TH DISTRICT
P.O. BOX 30036

LANSING, MI 48909-7536

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ofcigilbert@senate.mi.gov

January 17, 2007

THE SENATE
STATE OF MICHIGAN
JUD GILBERT

TRANSPORTATION, CHAIR
AGRICULTURE, FORESTRY,
AND TOURISM, VICE CHAIR
ECONOMIC DEVELOPMENT,
SMALL BUSINESS, AND
REGULATORY REFORM
SEGULATORY REFORM
VETERANS AFFAIRS

Kirk Steudle
Director
Michigan Department of Transportation
State Transportation Building
425 W. Ottawa Street
Lansing, MI 48909

Dear Kirk:

I am writing you to request that you meet with me and members of the Port Huron community to discuss and review mitigation plans for the upcoming Blue Water Bridge Plaza project.

There are local efforts that have begun in the Blue Water region to help with temporary housing for those residents who are going to be displaced by the new Plaza. These local efforts could help keep many of the displaced in the Port Huron community well after the completion of the project.

What is beginning to frustrate the local community is the news that MDOT and the federal government have already signed an agreement and have already begun to purchase property before the conclusion of all mitigation studies. It is this point that I want to discuss with you in greater detail at your earliest convenience.

As you well know, Michigan finds itself in tough economic times. I would hope that MDOT is doing all it can to keep people in the Blue Water area, providing them with the support that is needed to easily manage the difficulties that the new Plaza project will create.

I look forward to hearing from you regarding meeting with the people of my district, and to hearing more about MDOT's mitigation efforts in relation to the Blue Water Bridge plaza. Should you have any questions or need assistance setting up this meeting, please do not hesitate to contact my office at 517/373-7708.

Singerely Yours,

JUDSON S. GILBERT, II

State Senator 25th District

cc:

Karl S. Tomion, City Manager – Port Huron James Acheson, CEO – Acheson Ventures Z. Kris Wisniewski – MDOT Project Manager





KWAME M. KILPATRICK, MAYOR CITY OF DETROIT EXECUTIVE OFFICE COLEMAN A. YOUNG MUNICIPAL CENTER 2 WOODWARD AVE., SUITE 1126 DETROIT, MICHIGAN 48226 PHONE 313\*224\*3400 Fax 313\*224\*4128 WWW.CLDETROIT.MI.US

January 17, 2007

The Honorable Jennifer M. Granholm Governor, State of Michigan 111 South Capital Avenue Lansing, MI 48933

Re: Detroit River International Crossing ("DRIC")

Dear Governor Granholm:

I last wrote to you regarding the international border in Detroit on February 3, 2006. Since my letter, you should be well aware that the cross border traffic in the whole corridor has continued to erode. The Tunnel is below 1980 traffic levels. The Ambassador Bridge traffic is down 25% since 1999. Even the Blue Water Bridge traffic has never reached the exaggerated projections that justified the twinning of the bridge in Port Huron. Yet, the Detroit River International Crossing Study ("DRIC") continues to characterize a "crisis" at the border in an attempt to justify another River Crossing in Detroit.

Let me go on the record as stating that absent a compelling justification I will oppose any effort to build another river crossing in the city of Detroit. The continued hype of another crossing that bypasses the core of Detroit's Central business district (offices, casinos, stadiums, etc.) threatens to destroy 300 homes in the Delray neighborhood is unnecessary, and unneeded. The DRIC hyperbole creates unrealistic expectations, addresses a phantom problem and absolutely threatens to abandon our mutual border investment. Objectively, all of this is untimely and unnecessary — and the expectation that we sacrifice another neighborhood, duplicate our financial investment is unacceptable and creates bad public policy.

We well know that public private partnerships already work at Detroit's border with Windsor. In addition to Detroit's ownership of the Tunnel since 1990, for 80 years, the Ambassador Bridge has invested its private resources to meet the border crossings needs. Most recently, the on-going Gateway Project has invested more than \$200 million of public & private funds to correct border infrastructure deficiencies.

It is important to remind ourselves of the Gateway Project's underlying principles to provide direct access to the interstate system, accommodate a twin span of the Ambassador Bridge and accommodate an international Welcome Center. All of this was

Honorable Jennifer Granholm January 17, 2007 Page Two

accomplished in the context of improving traffic flow for international and local users and implemented well before the DRIC ever began looking at the border. As you know, the Ambassador Bridge is proceeding with its commitment to invest in an enhanced, replacement bridge without interruption to traffic. Just as their substantial private investment has been used by Detroit and MDOT for matching funds on the Gateway Project, their current investment of in the new crossing at this location will provide private toll credit match of \$2 Billion in federal transportation resources that can address real, eminent traffic priorities across our region and state. This project can be a real asset in terms of creating employment opportunities.

Destruction of another Detroit neighborhood with an unnecessary project to remedy a non-existent problem is not needed. Use your position in the DRIC partnership to fix their road to the current border. I look forward to hearing that you have afforded Detroit and our region to address real transportation challenges and opportunities.

Sincerely, 6

Kwame M. Kilpatrick

Mayor

Cc: Anthony Adams, Esq.

Deputy Mayor

George Jackson, President

**Detroit Economic Growth Corporation** 



### City of Port Huron

100 McMorran Boulevard Port Huron, Michigan 48060

#### Office of the City Manager

Phone: (810) 984-9740 • Fax: (810) 982-0282 www.porthuron.org

February 5, 2007





The Honorable Jennifer Granholm Governor, State of Michigan P. O. Box 30013 Lansing, MI 48909

Dear Governor Granholm:

The City of Port Huron has contacted your office in the past about our opposition to the Michigan Department of Transportation (MDOT) alternative proposal to expand the Blue Water Bridge Plaza in our municipality. For the many reasons outlined in our previous correspondence, we advocated the Port Huron Township alternative.

In a matter of a few weeks, over the Christmas holiday, without any substantive notice to the City or the public, this project and its schedule have been dramatically and improperly altered. On November 30<sup>th</sup>, MDOT selected what it referred to as its "preferred alternative" which is a slightly redesigned City of Port Huron plaza. In its press release, it indicates that the four involved federal agencies... "may select another studied practical alternative as a preferred alternative if issues arise during the completion of the environmental process that would make this selection of PA-4 unacceptable to those agencies".

Two weeks later, during conversations with MDOT staff, our City administrators learned that MDOT and the Federal Highway Administration (FHWA) were in negotiations on an agreement to proceed with acquiring property necessary for the City of Port Huron alternative. We immediately informed MDOT that this was not only unacceptable to the City of Port Huron, but that we believed it was inconsistent with their Environmental Impact Statement process that was not scheduled to be completed until the Fall of 2008. A public explanation at a City Council meeting on January 22<sup>nd</sup> was requested.

The Honorable Jennifer Granholm February 5, 2007 Page 2

Less than a week before the Council meeting, MDOT and FHWA staff met with our representatives. In this meeting it was made clear that the City of Port Huron believed the recent actions by MDOT and FHWA and the proposed agreement were illogical, improper, and would result in irreparable environmental harm to the City of Port Huron.

Both agencies could not and would not explain how on one hand, for the purposes of the EIS process all alternatives were on the table but on the other hand, in terms of the project implementation, they planned to proceed with the preferred alternative and were clearly not going to consider any of the other alternatives. The day of the Council meeting, January 22<sup>nd</sup>, they "cured" this obvious inconsistency by simply eliminating all alternatives but their "preferred" through a press release. The City of Port Huron and its residents are appalled by this abuse of process, apparently arranged through communications between MDOT Director Steudle and FHWA Administrator Capka.

As our Governor, we ask you to take whatever action is necessary to stop the execution or implementation of this improper agreement between MDOT and FHWA to bypass Federal law. If they are allowed to proceed, irrevocable harm will be done to the City of Port Huron. It will be impossible to save our neighborhoods or our commercial districts or even to properly measure or mitigate the effects of the permanent harm done.

Please contact our City Manager at (810) 984-9740 for any additional information that you may need to stop these proposed actions that will literally destroy a large portion of our community. Your immediate attention to this critical matter would be very much appreciated.

Sincerely,

Alan D. Cutcher, Mayor

B. Mark Neal, Mayor Pro-tem

Governor Jennifer Granholm January 30, 2007 Page 3

James M. Fisher, Councilmember

David Haynes, Councilmember

Sally A. Jacobs, Councilmember

Tim McCulloch, Councilmember

Laurie Sample-Wynn, Councilmember

Karl S. Tomion, City Manager



#### COUNTY OF ST. CLAIR

#### **Board of Commissioners**



PAMELA J. WALL Vice-Chairperson District 7 1426 St. Clair River Drive Algonac, MI 48001 Home: 810-794-0643 pwall@stclaircounty.org

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PATRICK W. QUAIN District 4 369 Fourth Street Marysville, MI 48040 Home: 810-364-8726 pquain@stelaircounty.org

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VISION: We are the leader in innovative, customer-centered vernment.

....SSION: To continually improve public services that enhance the community for citizens and future generations of St. Clair County.



February 20, 2007

Matt Webb Michigan Department of Transportation 425 West Ottawa St P.O. Box 30050 Lansing, MI 48909

Larry Young
MDOT
2127 11<sup>th</sup> Street
Port Huron, MI 48060

RE: I-69/I-94 Corridor Project

Dear Mr. Webb and Mr. Young:

The St. Clair County Board of Commissioners and the St. Clair County Road Commission request that the Michigan Department of Transportation delay its start of construction of the bridges on I-69/I-94 over the Black River until 2010.

The St. Clair County Road Commission has received approval for funding for the replacement and widening of the Wadhams Road Bridge over the Black River. \$6,700,000 from the Local Bridge Program has been allocated for 2009. \$1,700,127 from Surface Transportation Program (STP) - Urban funds are allocated for 2010. The total cost is expected to exceed \$11,000,000.

The Wadhams Road Bridge is the first crossing of the Black River west of the I-69/I-94 crossing. It is approximately seven (7) miles west of I-69/I-94. Wadhams Road is an all-season primary road carrying in excess of 16,000 vehicles (11% trucks) each day. It is also posted as an alternate route for M-25 and functions as a bypass for M-25 traffic around Port Huron. In case of an incident that shuts or slows traffic on I-69 or on I-94, freeway traffic is rerouted onto Wadhams Road.

The existing Wadhams Road structure is to be replaced with a four-lane bridge and sidewalk in a two-year project. Plans call for two lanes of the new Wadhams Road Bridge to be built adjacent to the existing bridge while the old bridge remains in service during the first year. In the second year traffic will be directed onto the new bridge and the old bridge demolished. The remaining two lanes and sidewalk would then be constructed.

It is imperative that work commence on the Wadhams Road project before similar work starts on I-69/I-94. When MDOT starts its work drivers will avoid the freeway construction area and take Wadhams Road as an alternate route. There needs to be an unposted crossing available at Wadhams Road to accommodate this traffic. That will only occur if the Road Commission begins its work a year before MDOT.



#### COUNTY OF ST. CLAIR

**Board of Commissioners** 



WALLACE R. EVANS Chairperson District 6 10431 Dixie Highway Fair Haven, MI 48023 Cell: 586-531-1910 wevans@stclaircounty.org

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VISION: We are the leader in innovative, customer-centered overnment.

AISSION: To continually improve public services that enhance the community for citizens and future generations of St. Clair County. MDOT has announced that it plans to start its bridgework on the Corridor Project in 2009. If so, the Road Commission must start in 2008. Since the allocated funding for Wadhams Road is not available until 2009 and later, the Road Commission must borrow the necessary funds for advance construction. The cost for borrowing is estimated to be \$500,000 to \$600,000 with no provision for reimbursement. If MDOT can delay its construction to 2010, that will allow the Road Commission to start in 2009 and complete its work within the years that funding is available. This will eliminate the cost of borrowing for advance construction.

The impact of the Corridor Project and the Blue Water Bridge Plaza Project will be significant to all of the communities in the vicinity of the Plaza. This is especially applicable during the construction phases. A cost of \$500,000 to \$600,000 to the St. Clair County Road Commission to accommodate MDOT's schedule should not be an additional impact for the County to bear. Your approval to delay the I-69/I-94 bridge work over the Black River to 2010 is respectfully requested.

Very truly yours,

ST. CLAIR COUNTY BOARD OF COMMISSIONERS

Pamela J. Wall Vice-Chairperson BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF ST. CLAIR

Timothy J. LaLonde Chairman RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-2202 (202) 224-6221

United States Senate

ARMED SERVICES
GOVERNMENTAL AFFAIRS
SMALL BUSINESS
INTELLIGENCE

COMMITTEES:

**WASHINGTON, DC 20510-2202** 

February 27, 2007

Governor Jennifer Granholm State Capitol P.O. Box 30013 Lansing, MI 48909

Dear Governor,

I want to thank you for your responsiveness to my office's requests to assist me in addressing the concerns expressed by the City of Port Huron Officials as they pertain to the Blue Water Bridge Plaza Project.

As you know, we contacted your office in mid January to express Port Huron officials concerns about the state's intent to use the Federal Highway Administration's Special Experimental Program 15 to fast track purchases of property within the plaza footprint. Port Huron officials were also concerned about what they felt was a lack of accurate and timely communication, lack of a concerted effort on the state's part to mitigate potential damages to the city and a feeling of being left out of the process, when of course they are the most integral stakeholder.

I am pleased to hear that the Michigan Department of Transportation has made progress in implementing the recommendations I suggested; postponing the use of the Federal Highway Administration's SEP-15 program as it pertains to the acquisition of property within the Plaza footprint, ensuring that the city officials are participating members of the process and putting forth greater effort to form a mitigation team to work with city and private stakeholders to offer resources and assistance in an attempt to offset some of the potential negative effects of the proposed project.

I have been informed by my staff that Port Huron City Manager Karl Tomion emerged from a meeting yesterday with MDOT and FHWA officials optimistic about the future of their relations and much more comfortable with the attitude expressed by the state and federal agencies.

I am hopeful that we can all continue to work together to insure that the City of Port Huron, the County of St. Clair and the residents continue to have a strong voice in this important and transformational project. Thank you for your assistance in this matter.

Sincerely.

Carl Levin



### MLOHNARO FERINALINIEL GOVERNOS.

# STATE OF MICHIGAN DEPARTMENT OF HISTORY, ARTS AND LIBRARIES LANSING

DR. WILLIAM ANDERSON

March 15, 2007

LLOYD BALDWIN
MICHIGAN DEPARTMENT OF TRANSPORTATION
425 WEST OTTAWA
PO BOX 30650
LANSING MT 48909

RE:

ER-930512

Proposed Improvements to the Blue Water Bridge Plaza - Practical Alternative 4,

Port Huron, St. Clair County (FHWA)

Dear Mr. Baldwin.

Under the authority of Section 106 of the National Historic Preservation Act of 1966, as amended, we have reviewed the above-cited undertaking at the location noted above. Based on the information provided for our review, the State Historic Preservation Officer (SHPO) concurs with the determination of the FHWA that the proposed practical Alternative 4 for this undertaking will have an adverse effect on the E. C. Williams House, which appears to meet the criteria for listing in the National Register of Historic Places.

This undertaking meets the criteria of adverse effect because: the undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmoughly, feeling, or association [36 CRR § 800.5(a)(1)]. Specifically, the undertaking will result in:

Removal of the property from its bistoric location.

The finding of adverse effect will prompt the FHWA, hereinafter referred to as "Agency", to consult further to resolve the adverse effect pursuant to 36 CFR § 800.6 by proceeding with the following steps:

- (1) Per 36 CFR § 800.6(a), the Agency shall continue consultation with the SHPO and other consulting parties to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize or mitigate adverse effects on historic properties. The Agency shall submit a case study outlining these efforts for review by the SHPO.
- (2) In accordance with 36 GFR § 800.6(a)(4), the Agency shall make information regarding this finding available to the public, providing the public with an opportunity to express their views on resolving adverse effects of the undertaking. Pursuant to 36 CFR § 800.11(c), copies or summaries of any views provided by consulting parties and the public shall be made available to the SHPO as part of the case study outlined in (1).
- (3) The Agency shall immediately notify the Advisory Council on Historic Preservation (Advisory Council). Old Post Office Building, LIOO Pennsylvania Avenue, NW, Suite 809, Washington, D.C. 20004, of the adverse effect finding per 36 CFR \$ 800.6 (a)(1). The notification to the Advisory Council

should be similar to the project information submitted to this office and should include the following documentation as outlined in 36 CFR § 800.11(c).

- A description of the undertaking, specifying the federal involvement, and its area of potential effects, including photographs, maps and drawings, as necessary.
- A description of the steps taken to identify historic properties:
- A description of the affected historic properties, including information on the characteristics that qualify them for inclusion in the National Register of Historic Places.
- A déscription of the undertaking seffects on historio properties...

- An explanation of why the criteria of adverse effect were found applicable or inapplicable; including
  any conditions or future actions to avoid; minimize or milligate adverse effects;
- · Copies or summaries of any views provided by consulting parties and the public.
- (4) The Agency shall invite the Advisory Council to participate in consultation if the undertaking will affect a National Historic Landmark, if a Programmatic Agreement will be developed as a result of the finding of adverse effect, or if the Agency wants the Advisory Council to participate in consultation. The Advisory Council will advise of its decision to participate in consultation within fifteen (IS) days of receipt of this notification or other request. If the Advisory Council chooses not to participate in consultation, the Agency shall resolve the adverse effect without Advisory Council participation and pursuant to 36 CFR § 800.6(b)(1).
- (5) If the Agency, the SHPO and, if applicable, the Advisory Council agree on how the adverse effects will be resolved, they shall execute a Memorandum of Agreement (MOA) pursuant to 36 CFR § 809.6(c).
- (6) If the Agency and the SHPO fail to agree on the terms of the MOA, the Agency shall request the Advisory Council to join the consultation. If the Advisory Council decides for join the consultation the Advisory Council decides not to join the consultation, the Advisory Council will notify the Agency and proceed to comment in accordance with 36 CFR \$ 800.6(b)(2). If the Advisory Council will notify the Agency and proceed to comment in accordance with 36 CFR \$ 800.7.

Although the removal of the B. C. Williams House from its original location, as proposed in Practical Alternative 4, would result in an adverse effect; this alternative is preferable to demolition. The E.C. Williams House corrently has a single-post Michigan Historical Marker at its present location. The proposed new location appears to have little in common with the original location since it will not be in a neighborhood setting. Nevertheless, the fact that Williams started the local newspaper and that the building is a unique example of a duplex makes the building significant enough that it should retain a marker.

In addition to other mitigation to be incorporated into a Memorandum of Agreement for this project, we suggest that a new two-post marker be erected at the site to replace the old one to inform people that the house has been relocated. Additional research will need to be done to update the current text. A letter from the Port Huron Study Committee states that the Alex J. Sarjeant family became the owners in 1904



and remained so until 1988. We do not have information on this owner, therefore, the following additional documentation should be:

· Biographical information, including an obituary, for Edwin C. Williams;

Additional information about the Fort Gratiof Sun (publishing dates and subsequent papers as well);

• Blugraphical information about Alex J. Sarjeant and his family that explains his and their role in the community.

The views of the public are essential to informed decision making in the Section 106 process. Federal Agency Officials or their delegated authorities must plan to involve the public in a manner that reflects the nature and complexity of the undertaking, its effects on historic properties and other provisions per 36 CFR § 800:2(d). We remind you that Federal Agency Officials or their delegated authorities are required to consult with the appropriate Indian tribe and/or Tribal Historic Preservation Officer (THPO); when the undertaking may occur on or affect any historic properties on tribal lands. In all cases; whether the project occurs on tribal lands or not, Federal Agency Officials or their delegated authorities are also required to make a reasonable and good faith effort to identify any Indian tribes or Native Hawaiian organizations that might attach religious and cultural significance to historic properties in the area of potential effects and invite them to be consulting parties per 36 CFR § 800.2(c).

Please note that the Section 106 process will not conclude according to 36 CFR § 800.6 "Resolution of Adverse Effects" until the consultation process is complete, an MOA is developed, executed and implemented, and, if applicable, the formal comments of the Advisory Council have been received.

The State Historic Preservation Office is not the office of record for this undertaking. You are therefore asked to maintain a copy of this letter with your environmental review record for this undertaking. If the scope of workerhanges in any way, or if artifacts or bones are discovered, please notify this office immediately:

If you have any questlons, please contact Martha MacFarlane Faes, Environmental Review Coordinator, at (\$17) 335 2920 of by small at ER@michigan gove Please reference our project number in all communication with this office regarding this undertaking. Thank you for this opportunity to review and comment and for your cooperation.

Sincerely

Brian D. Conway

State Historic Preservation Officer

BDC:ROC:bgg

Enclosure(s)

copy: Advisory Council on Historic Preservation

Abdelmoez Abdalla, FHWA

# MEMORANDUM OF AGREEMENT BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION AND THE MICHIGAN STATE HISTORIC PRESERVATION OFFICER REGARDING

THE RELOCATION OF THE E.C. WILLIAMS HOUSE, 2511 10<sup>TH</sup> AVENUE CITY OF PORT HURON, ST. CLAIR COUNTY, MICHIGAN SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION PURSUANT TO 36 CFR PART 800.6(b)(1)

WHEREAS, the Federal Highway Administration (FHWA) of the Light Department of Transportation has determined that the proposed relocation of the Light Williams House, 2511 10<sup>th</sup> Avenue, City of Port Huron, St. Clair County, Michigan will pose an adverse effect upon this building, which appears to meet the criteria for listing in the National Register of Historic Places and has consulted with the Michigan State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) (the Act); and

WHEREAS, The Michigan Department of Transportation (MDOT) participated in the consultation and has been invited to concur in this Memorandum of Agreement (MOA);

NOW, THEREFORE, FHWA and SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on the historic properties.

#### STIPULATIONS

FHWA shall ensure that the following measures are carried out in a phased process. Phase I mitigation must be completed prior to the relocation of the E.C. Williams House. Phase II may occur within the specified time frames noted herein.

I. PHASE I MITIGATION (to complete prior to the relocation of the E.C. Williams House)

#### A. Recordation

- 1. MDOT shall conduct additional research on the history of the E.C. Williams House for use in the recordation effort and for use in developing text for a new State of Michigan Historical Marker to be erected at the relocation site (see below, Phase III Mitigation).
- 2. The E.C. Williams House shall be recorded so that there is a permanent record of its existence. MDOT shall prepare photographic documentation and a historical overview of the E.C. Williams House according to the SHPO *Documentation*. *Guidelines* attached hereto as **Attachment A**. Unless otherwise agreed to by the SHPO, MDOT shall ensure that all documentation is completed and accepted by the

SHPO for deposit in the State Archives of Michigan prior to the commencement of any demolition or construction activity concerning the E.C. Williams House. MDOT will provide additional original copies of the recordation package to appropriate local repositories designated by the SHPO.

- 3 MDOT shall include, if available, as part of the recordation package original or archival –quality copies of historic E.C. Williams House photographs; additionally, electronic versions of these photographs will be submitted.
- 4 MDOT shall, as part of the recordation package, provide photographic documentation of the building relocation process.

#### II. PHASE II MITIGATION

#### A. Relocation of the E.C. Williams House

- 1. MDOT shall consult with SHPO and the City of Poil Huron in the development of an approved building relocation plan, site plan, and building rehabilitation plan.
- 2. MDOT shall provide all necessary utility hook-upst including electrical, natural gas, water, and sanitary sewer at the relocation site.
- 3 MDOT shall secure all necessary permits and approval of the proposed building relocation route.
- 5 MDOT shall record existing conditions along the relocation route prior to and after the building relocation
- 6 MDON shall coordinate temporary relocation of overhead utilities, traffic signals an signs as needed to accommodate the building relocation.
- MDOT shall coordinate adequate emergency services be available along the relocation route to assure public safety.

#### 2. Rehabilitation of the E.C. Williams House

- 1. Exterior reliabilitation plans will follow the Secretary of Interior Standards for Rehabilitation of Historic Buildings. MDOT shall prepare these plans in consultation with the SHPO.
- 2. SHPO shall have the right to review and approve rehabilitation plans prior to the commencement of rehabilitation activities.

- 3. MDOT shall provide regular progress reports on the rehabilitation effort. A final report will be submitted at completion. Documentation will include photographs, asbuilt drawings, and a text summary of work performed.
- 4. SHPO and MDOT shall determine the timing of the exterior rehabilitation to determine if work shall be performed by MDOT prior to marketing or if work shall be performed by the new owner with appropriate MDOT and SHPO oversight.

#### III. PHASE III MITIGATION

#### A. Purchase & Install State of Michigan Historical Market

- 1. MDOT shall provide historical information, as requested by SHPO, for use in documentation and development of the marker text.
- 2. The marker text will be developed by SERO with MDOT/SHPO/Michigan Historical Commission approval.
- 3. The marker shall be the two-post, two-sided mode
- 4. MDOT shall install the marker following manufacturer specifications.
- 8 MDOT shall maintain the marker until such time the EC Williams House is transferred to a new owner, at which time long-term maintenance shall be the responsibility of the new owner. Maintenance requirements will be spelled out in the historic preservation easement attached to the property warranty deed.

#### B. Market the E.C. Williams House

- 1. MDGT shall consult with SHPO to develop a marketing plan to sell the E.C. Williams House.
  - MDOT shall consult with SHPO to develop a comprehensive and complete easement agreement defining the expected life-cycle of the rehabilitation, owner responsibilities for maintenance and retention of significant architectural features, and the process by which the owner shall consult with SHPO prior to performing significant work to the property.
- 3. SHPO shall retain the right to review and approve any proposed alterations or any work that may alter, remove, or damage architecturally significant features throughout the agreed upon life-cycle.

#### IV. GENERAL CONSIDERATIONS

#### A. Amendment

- 1. Any party to this MOA may propose to the other parties that it be amended, whereupon the parties will consult in accordance with 36 CFR800.6(c)(7) to consider such an amendment.
- 2. In the event that any portion of Phase II Mitigation (Stipulation II) is found to be infeasible, the parties to this MOA shall consult to consider appropriate alternative mitigation.
- 3. Any additional or alternative actions considered pursuant to this agreement shall be subject to implementation by amending this MOA in accordance with this section.

#### **B.** Dispute Resolution

Should the SHPO or MDOT object within 30 (thirty) days to any actions proposed pursuant to this MOA, the FHWA shall consult with the objecting party to resolve the objection. If the FHWA determines that the objection cannot be resolved the FHWA shall forward all documentation relevant to the dispute to the Advisory Council on Historic Preservation (Council). Within 45 (toty-five) days after receipt of all pertinent documentation, the Council will either:

- 1. Provide the FHWA with recommendations, which the FHWA will take into account in reaching a final decision regarding the dispute; or
- 2. Notify the FHWA that it will comment pursuant to 36 CFR 800.7(c) and proceed to comment. Any Council comment provided in response to such a request will be taken into account by FHWA in accordance with 36 CFR 800.7(c)(4) with reference to the subject of the dispute.

#### C. Termination

- If the FHWA determines that it cannot implement the terms of this MOA, or if the SHPO determines that the MOA is not being properly implemented, the FHWA or the SHPO may propose to the other parties to this MOA that it be terminated.
- 2. The party proposing to terminate this MOA shall so notify all parties to this MOA explaining the reasons for termination and affording at least sixty (60) days to consult and seekalternatives to termination. The parties shall then consult.
- 3. Should such consultation fail, the FHWA or the SHPO may terminate the MOA by so notifying all parties.
- 4. Should this MOA be terminated, the FHWA shall either:
  - a. Consult in accordance with 36 CFR § 800.6 to develop a new MOA; or
  - b. Request the comments of the Council pursuant to 36 CFR § 800.7.

Execution and implementation of this MOA and its submission to the Council evidences that FHWA has afforded the Council a reasonable opportunity to comment on the project and that the FHWA has taken into account the effects of the project on historic properties.

#### FEDERAL HIGHWAY ADMINISTRATION

Ву:		Date:		
	James J. Steele, Division Administrator			
MICH	IGAN STATE HISTORIC PRESERVA	TION OF TO	ER	
Ву:		Date:		
-	Brian D. Conway, State Historic Preservat	ion Officer		
Concur:			<b>.</b>	
місні	GAN DEPARTMENT OF TRANSPOR	MOITAL		
Ву:		Date:		
	Susan Mortel Director, Bureau of Transpe	rtation Plannin	ng	
*				



JENNIFER M. GRANHOLM

# STATE OF MICHIGAN DEPARTMENT OF TRANSPORTATION LANSING

KIRK T. STEUDLE

March 5, 2007

Mr. Karl Tomion, City Manager City of Port Huron Municipal Office Center 100 McMorran Boulevard Port Huron, Michigan 48060

Dear Mr. Tomion:

Thank you for hosting our February 26, 2007 meeting on the Blue Water Bridge Plaza and I-94/I-69 Corridor studies. I feel this meeting went a long way towards establishing improved communications on these two studies. I am writing to reiterate some of the points made at that meeting. Here is what we are committed to doing:

• Michigan Department of Transportation (MDOT) will not pursue early acquisition of property, except for extreme hardship cases.

MDOT originally applied for Special Experimental Project (SEP-15) approval to use federal funds for advanced property purchases to accommodate several objectives. We believed it would help residents who are struggling with the long decision-making process prescribed by the National Environmental Policy Act (NEPA). Often property owners experience difficulty in selling or making changes to their properties while MDOT pursues the NEPA planning process. Secondarily, we sought to advance the project schedule and save tax-payers money.

We have found that the SEP-15 initiative distracted everyone from the fundamental decision-making process laid out by NEPA. We want to get back on track with the NEPA process and decided not to pursue the implementation of SEP-15. In pursuing future hardship acquisitions, which are permitted under federal law, we will develop a detailed communication plan with the city and the township to keep them informed about our activities in acquiring property from owners who can demonstrate hardship for health, safety, or financial reasons. We will develop a mutual understanding of the definition of 'hardship,' and will consult with city and township officials on all cases.

• MDOT will include Alternatives 2, 3, 4 and the No-Build option in the Draft Environmental Impact Statement (DEIS)

To address concerns that Alternative 3 did not receive a thorough analysis, MDOT will provide detailed analysis of this alternative in the DEIS. However, please be aware that this alternative still has practical concerns. We will arrange an opportunity for the city to hear Custom and Border Protection's concerns. All of our analyses will be published in the DEIS. The goal is to give the public ample opportunity to debate the merits of the alternatives. Following the publication of that document, we will accept further comment. It is not until the issuance of a

Mr. Karl Tomion Page 2 March 5, 2007

Record of Decision that the alternative selection is finalized, after very thorough analysis and discussion with all stakeholders and cooperating federal agencies.

We hope to have the DEIS published in 2007, with a Record of Decision expected sometime in 2008.

 MDOT leadership and staff hear the city's concerns about the potential impacts of the proposed project and are committed to establishing excellent and direct communication to answer questions and solve problems.

To this end, we are committed to holding monthly coordination meetings with you and your staff or council. We will also be available as needed to assure our project communications are effectively reaching your stakeholders.

 MDOT is interested in exploring ways to support the city's effort to revitalize its older neighborhoods as a part of the Blue Water Bridge real estate acquisition.

We would like to find ways to partner with the city to provide incentives for relocated homeowners to remain in the city.

In conclusion, I want to thank you again for hosting our meeting on February 26, 2007. It was a helpful and positive event. MDOT leadership and staff look forward to an improved relationship in the future.

If you have any questions, please contact either me or Susan Mortel, Director, Bureau of Transportation Planning, at 517-373-0343.

Sincerely,

Kirk T. Steudle

Director



JAMES E. BUCKLEY

ROBERT C. CRAWFORD

JUDITH A. REYNOLDS

June 20, 2007

Z. Kris Wisniewski, Project Manager Project Planning Division Bureau of Transportation Planning Michigan Department of Transportation 425 West Ottawa St. P.O. Box 30050 Lansing, Michigan 48909



Re: MDOT Corridor Study/Port Huron Welcome Center

Dear Ms. Wisniewski (and all involved).

This letter is an effort to restate my concerns regarding the Bridge Plaza Corridor and Welcome Center. Based on existing structure security, accessibility to the Plaza should stay between Black River and Lake Huron/St. Clair River. I have mentioned previously, and am now reiterating the <u>absolute necessity</u> of the proposed Welcome Center Plaza to allow easy-on and easy-off access in order to secure a healthy business flow to Fort Gratiot Township and the City of Port Huron.

The last print of the corridor project that I viewed appeared to address most concerns, however, I do have objections to the current proposed location of the Welcome Center. At the March 15, 2007 meeting of the Blue Water Bridge Advisory Committee, there was discussion regarding the placement of this facility. Many in attendance, including myself, expressed concerns regarding the proposed placement. One of the biggest concerns expressed was access to the east, and the ability of vehicular traffic coming from and going to Canada having an easily accessible route to Fort Gratiot and the City of Port Huron. Westbound vehicular traffic must have access to the Welcome Center, as well as the opportunity to turn around and travel in an eastbound direction. This can be accomplished by either placing the Welcome Center in the middle of the median with a turn-around lane, (which has similarly done in Clare County on US-10) or by placing bridges over the expressway for east and westbound travelers.

MDOT owns enough property to extend westbound I-69/94 to the north and install the Welcome Center in the median. I have been and will continue to be persistent in advocating the implementation of the aforementioned specifics, which are absolutely necessary and crucial requirements to the survival of our area.

Sincerely

James F. Buckley, Supervisor Charter Township of Fort Gratiot

CC:

Governor Jennifer Granholm

Senator Carl Levin

Senator Debbie Stabenow

State Representative Daniel Acciavatti

State Representative John Espinoza

State Representative Phillip Pavlov

State Senator Judd Gilbert

Shaun Groden, St. Clair County Administrator/Controller

St. Clair County Board of Commissioners

Bill Kauffman, Metropolitan Planning Commission

Karl Tomion, City of Port Huron

Port Huron City Council

Matt Wendling, Wilbur Smith Senior Project Manager

**BWB Plaza Advisory Committee** 

JEB/jms



\_NNIFER M. GRANHOLM GOVERNOR

### STATE OF MICHIGAN DEPARTMENT OF TRANSPORTATION LANSING

KIRK T. STEUDLE

March 22, 2007

Mr. D. Scott Beedon, Supervisor Charter Township of Port Huron 3800 Lapeer Road Port Huron Township, Michigan 48060

Dear Mr. Beedon:

Thank you for your letter of March 5, 2007, requesting that we move forward with the I-69/I-94 Blue Water Bridge Plaza and Corridor study, including Special Experimental Project (SEP-15) property acquisitions. As you probably know, we will not be pursuing SEP-15 early property acquisitions. We will continue to pursue hardship acquisitions for those residential property owners who can demonstrate hardship for health, financial or safety reasons. We anticipate that these purchases will be far fewer in number than we had planned for the SEP-15 proposal. We believe hardship purchases allow some relief to property owners awaiting the results of a National Environmental Policy Act (NEPA) study.

In response to your concern about moving forward with the corridor project, we understand your desire to keep the corridor study on a separate track from the Blue Water Bridge plaza. We remain committed to making progress on the corridor study and are working with the Federal Highway Administration (FHWA) to find ways to move forward. NEPA documentation is ultimately the responsibility of FHWA, so they have the final word on how both the corridor study and the Blue Water Bridge plaza study move ahead.

I regret that you felt excluded from our recent meeting with Port Huron staff and other elected officials. Your opinions on our studies in the Port Huron area are important to us. I hope you will continue to communicate your ideas. We will continue to provide as much information as we can to help you participate in the decision-making process. This will include invitations to joint local agency meetings as well as opportunities for one-on-one interaction. We appreciate the input you have provided and look forward to ongoing dialogue with your agency on these nationally significant projects

If you have any other questions or additional concerns, please contact either me or Susan Mortel, Director, Bureau of Transportation Planning, at 517-373-0343.

Sincerely,

Kirk T. Steudle

Director

BTP:PPD:MB:fg

### CHARTER TOWNSHIP OF PORT HURON

3800 Lapeer Road Port Huron Twp., Michigan 48060 Phone: (810) 987-6600 Fax: (810) 987-6712

March 5, 2007

Mr. Kirk Steudle
Director
Michigan Department of Transportation
425 W. Ottawa St.
P.O. Box 30050
Lansing, Mi. 48909

RECEIVED

MAR 0 7 2007

. DIRECTOR
Department of Transportation

Dear Mr. Steudle:

I would like to take a moment of your time to discuss your decisions regarding the Blue Water Bridge Plaza expansion and Corridor plans. As the Supervisor of the Charter Township of Port Huron, I was taken back that I would not be involved in a least a portion of your meetings last week. My State Representative, Phil Pavlov was in attendance. Representative Pavlov is a good working rep, however, he has not been involved nearly as I have detailing the project.

Knowing what I know today, I would ask why did we remove SEP-15 from the corridor plan? Matt Webb and his team have been very confident, dedicated to providing answers and understanding the communities needs. This has been a breath of fresh air, and he is to be commended for his efforts to date. Talking to Karl Tomion, he also agrees that SEP-15 was fine on the corridor project. This was a smart thing to do separating the two projects. We have been hard at work with your team and moving forward in a positive way. To pull back both projects, does not help this community, it only continues the frustration. We want to move forward with SEP-15 in place for the corridor.

There is much discussion about the no build concept; I am strongly opposed to this option. I would ask that you consider moving forward with the corridor project, complete this project, while this is being constructed slowing down the bridge plaza expansion process and analysis the needs for this expansion. Regardless, the corridor project can be done, even if you never expanded the Bridge Plaza it still ties in very nicely and gives so many enhancements that this community (the City and Township) needs. I agree with you, slowing down the Plaza project is good, I would just ask that you reconsider moving forward with the corridor project and include SEP-15 for this project.

I certainly would have provided these thoughts last week to you when you were in town. I'm sorry I was not in attendance. Your time and consideration are most appreciated.

Sincerely,

D. Scott Beedon Supervisor

Port Huron Charter Township



FILE COPY

INNIFER M. GRANHOLM GOVERNOR

## STATE OF MICHIGAN DEPARTMENT OF TRANSPORTATION LANSING

KIRK T. STEUDLE

March 20, 2007

The Honorable Candice S. Miller United States House of Representatives 228 Cannon House Office Building Washington, D.C. 20515

Dear Congresswoman Miller:

Thank you for your letter of March 1, 2007. I am sorry to hear about your decision to switch \$12.6 million away from the Blue Water Bridge Plaza to another project. Despite our decision to forgo participation in the Special Experimental Project (SEP-15) program, we continue to work hard to move the plaza project along.

We are sensitive to your concerns about the availability of SAFETEA-LU funds for the Blue Water Bridge Plaza and would like to work with you to ensure the expenditure of these funds in a timely manner. We anticipate spending the remaining SAFETEA-LU funds by the end of 2009. I hope that you will support additional funding in 2009 to make this important project continue to move forward.

The Michigan Department of Transportation (MDOT) originally applied for (SEP-15) approval to use federal funds for advanced property purchases to accommodate several objectives. We believed it would help residents who are struggling with the long decision-making process prescribed by the National Environmental Policy Act (NEPA). Often property owners experience difficulty in selling or making changes to their properties while MDOT pursues the NEPA planning process. Secondarily, we sought to advance the project schedule and save tax-payers money.

Additionally, through our public outreach activities, we have identified numerous property owners who are potentially eligible for early acquisition due to hardship during the course of a NEPA study, even without SEP-15. We plan to work with the City of Port Huron and Port Huron Township in the acquisition of hardship properties throughout the remaining course of the study. I have enclosed a copy of our recent letter to the Port Huron city manager, listing our commitments to the community.

MDOT leadership and staff are rededicating themselves to improving communication with both local governments and elected officials during the Blue Water Bridge Study. We want to establish productive dialogue leading to the best decision for all project stakeholders. With this

The Honorable Candice S. Miller Page 2 March 20, 2007

goal in mind, we hope you will continue to participate in the Blue Water Bridge NEPA process. Please do not hesitate to contact us in the event that you have questions, concerns or comments about the NEPA process or any other topic related to the plaza. We look forward to on-going discussions with you and your staff.

If you have any other questions, please contact either me or Susan Mortel, Director, Bureau of Transportation Planning, at 517-373-0343.

Sincerely,

/ Kirk T. Steudle

Hundle

Director

Enclosure

BTP:PPD:ENV:MB:fg

cc: Governor Jennifer Granholm

Senator Carl Levin

Senator Debbie Stabenow

. State Senator Jud Gilbert

State Representative Phil Pavlov

State Representative John Espinoza

Mr. Jim Warner, St. Clair County Road Commission

Ron DeCook

Bill Shreck

Vanessa Blaxton

Susan Mortel

Dave Wresinski

**Margaret Barondess** 

Paul McAllister

Matt Webb

CANDICE S. MILLER
1001 DISTRICT, MICHIGAN

WASHINGTON OFFICE: 226 GANNON HOUSE OFFICE BUILDING WASHINGTON, DO 20255 (202) 225–2108 FAX: (202) 228–1189





### Congress of the United States

House of Representatives Washington, AC 20515-2210 March 1, 2007 COMMITTEE ON ARMED SERVICES READNIESS PROJECTION FORCES

COMMITTEE ON GOVERNMENT REFORM

CHAIRMAN, RECULATORY AFFAIRS

CRIMINAL JUSTICE, DRUB POLICY, AND HUMAN RESOURCES

COMMITTEE ON HOUSE ADMINISTRATION

r

Mr. Kirk Steudle
Director
Michigan Department of Transportation
425 W. Ottawa St.
P.O. Box 30050
Lansing, MI 48909

Dear Mr. Steudle:

I would like to commend you for the recent decision by the Michigan Department of Transportation (MDOT) to no longer pursue its SEP-15 application to the Federal Highway Administration with regard to the Blue Water Bridge Plaza expansion project. As you know I have been an advocate for this important project, but it has become clear that local, civic and governmental leaders throughout the community have become uncomfortable with the process associated with this project. In order to ensure that the community's voice is heard, I support your decision to no longer pursue your SEP-15 application. However, this development is likely to result in further delay of the project.

As you will recall, the SAFTEA-LU legislation enacted in 2005 allocated \$43 million for improvements to the American Plaza at the Blue Water Bridge. In 2009, this legislation will expire and with the current pace of progress I have become greatly concerned that MDOT may not be able to utilize all of these funds and I do not wish for these funds to be reallocated to projects elsewhere in the country while we have so many pressing needs in St. Clair County.

In order to prevent this from happening I have taken action to reprogram \$12.6 million away from Blue Water Bridge set aside for Projects of Regional and National Significance. My goal is to move this funding to the Port Huron NAFTA Corridor Congestion Mitigation Project. This change will still permit \$30.4 million in SAFETEA-LU funding to be used for the plaza improvements. Today the House Transportation and Infrastructure Committee, of which I am a member, has unanimously approved this reprogramming in the SAFETEA-LU technical corrections bill, H.R. 1195. When combined with the \$400,000 already allocated to this project under SAFETEA-LU this will provide enough money to complete all three grada separations at Michigan Road, Range Road and Griswold Road.

As you may know, the CN Rail Tunnel is our nation's busiest rail border gateway, with over 322,000 loaded rail car crossings in 2005. While the trains travel under the St. Clair

River, they quickly resurface in Port Huron Township. The length and frequency of these trains, in addition to necessary Customs inspections, often result in major backups which block one or more of the Township's critical arteries. One crossing in particular is blocked an average of over 5 hours each day. In addition to creating traffic congestion, these blockages cause emergency response vehicles to use long detours to answer calls, posing a significant threat to community safety. I am sure that you will be pleased to see that this long awaited project has a chance for completion in the near future, should this change become law.

The economy of Michigan and St. Clair County in particular is enduring a very rough patch. So in addition to solving public safety and quality of life problems for the community I also believe it is very important that we begin to put people to work as quickly as possible. This change will allow the grade separation project to move forward while still retaining funds for the Blue Water Bridge Plaza improvements.

I stand ready to work with you on securing federal funding for improvements to the Plaza and other important projects in our state in the coming years with a particular focus toward the next transportation authorization bill. In the meantime, I look forward to ensuring that both of these important projects move forward for the benefit of our state and the residents of the Blue Water Region.

Sincerely,

Candice S. Miller Member of Congress

andico S. Miller

Cc: Governor Jennifer Granholm
Senator Carl Levin
Senator Debbie Stabenow
State Senator Jud Gilbert
State Representative Phil Pavlov
State Representative John Espinoza
Mr. Jim Warner, St. Clair County Road Commission



FILE COPY

ENNIFER M. GRANHOLM

#### STATE OF MICHIGAN **DEPARTMENT OF TRANSPORTATION** LANSING

KIRK T. STEUDLE DIRECTOR

March 20, 2007

The Honorable Carl Levin United States Senate 269 Russell Senate Office Building Washington, D.C. 20510

Dear Senator Levin:

In response to your letter to Governor Jennifer Granholm dated February 27, 2007, I want to assure you that we are making every effort to include local government officials in the National Environmental Policy Act (NEPA) decision-making process at the Blue Water Bridge in Port Huron, Michigan. We agree with you that local governments are important stakeholders and have taken steps to improve our dialogue. I have enclosed a copy of our recent letter to the Port Huron city manager, listing our commitments to them.

As a response to the announcement that we will not pursue the Special Experimental Project (SEP-15) for early acquisition of properties, we have received numerous calls from property owners concerned about the uncertainty they face until the study reaches a decision point. Local property owner interest contributed to our desire to pursue the SEP-15 program, in addition to potential time and money savings. We want you to know that we are continuing to work with property owners who can meet health, safety or financial hardship criteria, as defined by federal regulations, to purchase their properties in advance of a NEPA decision. We have agreed to reach a mutual understanding of the definition of hardship purchases with local officials and will consult with city and township officials on hardships. We do not expect the number of hardship early acquisitions to come anywhere close to the numbers anticipated by the SEP-15 program, helping to limit the impact on the community. It is our desire to help those most in need of early purchase, while in no way influencing the NEPA decision-making process.

We have confidence in the NEPA decision-making process and look forward to working with you and other stakeholders to reach a balanced decision on the Blue Water Bridge Plaza Study. If you have any other questions or additional concerns, please contact either me or Susan Mortel, Director, Bureau of Transportation Planning, at 517-373-0343.

Sincerely,

Kirk T. Steudle

Director

Enclosure

BTP:PPD:MB:fg

Governor Jennifer Granholm State Senator Jud Gilbert Mr. Jim Warner, St. Clair County Road Commission

Senator Carl Levin State Representative Phil Pavlov

Senator Debbie Stabenow State Representative John Espinoza

MDOT: R. DeCook

B. Shreck

V. Blaxton S. Mortel

D. Wresinski

M. Barondess P. McAllister

7. Hurthe

M. Webb



ENNIFER M. GRANHOLM GOVERNOR

### STATE OF MICHIGAN DEPARTMENT OF TRANSPORTATION LANSING

KIRK T. STEUDLE

March 5, 2007

Mr. Karl Tomion, City Manager City of Port Huron Municipal Office Center 100 McMorran Boulevard Port Huron, Michigan 48060

Dear Mr. Tomion:

Thank you for hosting our February 26, 2007 meeting on the Blue Water Bridge Plaza and I-94/I-69 Corridor studies. I feel this meeting went a long way towards establishing improved communications on these two studies. I am writing to reiterate some of the points made at that meeting. Here is what we are committed to doing:

 Michigan Department of Transportation (MDOT) will not pursue early acquisition of property, except for extreme hardship cases.

MDOT originally applied for Special Experimental Project (SEP-15) approval to use federal funds for advanced property purchases to accommodate several objectives. We believed it would help residents who are struggling with the long decision-making process prescribed by the National Environmental Policy Act (NEPA). Often property owners experience difficulty in selling or making changes to their properties while MDOT pursues the NEPA planning process. Secondarily, we sought to advance the project schedule and save tax-payers money.

We have found that the SEP-15 initiative distracted everyone from the fundamental decision-making process laid out by NEPA. We want to get back on track with the NEPA process and decided not to pursue the implementation of SEP-15. In pursuing future hardship acquisitions, which are permitted under federal law, we will develop a detailed communication plan with the city and the township to keep them informed about our activities in acquiring property from owners who can demonstrate hardship for health, safety, or financial reasons. We will develop a mutual understanding of the definition of 'hardship,' and will consult with city and township officials on all cases.

 MDOT will include Alternatives 2, 3, 4 and the No-Build option in the Draft Environmental Impact Statement (DEIS)

To address concerns that Alternative 3 did not receive a thorough analysis, MDOT will provide detailed analysis of this alternative in the DEIS. However, please be aware that this alternative still has practical concerns. We will arrange an opportunity for the city to hear Custom and Border Protection's concerns. All of our analyses will be published in the DEIS. The goal is to give the public ample opportunity to debate the merits of the alternatives. Following the publication of that document, we will accept further comment. It is not until the issuance of a

Mr. Karl Tomion Page 2 March 5, 2007

Record of Decision that the alternative selection is finalized, after very thorough analysis and discussion with all stakeholders and cooperating federal agencies.

We hope to have the DEIS published in 2007, with a Record of Decision expected sometime in 2008.

MDOT leadership and staff hear the city's concerns about the potential impacts of the
proposed project and are committed to establishing excellent and direct communication to
answer questions and solve problems.

To this end, we are committed to holding monthly coordination meetings with you and your staff or council. We will also be available as needed to assure our project communications are effectively reaching your stakeholders.

 MDOT is interested in exploring ways to support the city's effort to revitalize its older neighborhoods as a part of the Blue Water Bridge real estate acquisition.

We would like to find ways to partner with the city to provide incentives for relocated homeowners to remain in the city.

In conclusion, I want to thank you again for hosting our meeting on February 26, 2007. It was a helpful and positive event. MDOT leadership and staff look forward to an improved relationship in the future.

If you have any questions, please contact either me or Susan Mortel, Director, Bureau of Transportation Planning, at 517-373-0343.

Sincerely,

Kirk T. Steudle

Director

CARL LEVIN

RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-2202 (202) 224-6221

United States Senate
WASHINGTON, DC 20510-2202

COMMITTEES:
ARMED SERVICES
GOVERNMENTAL AFFAIRS
SMALL BUSINESS
INTELLIGENCE

February 27, 2007

Governor Jennifer Granholm State Capitol P.O. Box 30013 Lansing, MI 48909

Dear Governor,

I want to thank you for your responsiveness to my office's requests to assist me in addressing the concerns expressed by the City of Port Huron Officials as they pertain to the Blue Water Bridge Plaza Project.

As you know, we contacted your office in mid January to express Port Huron officials concerns about the state's intent to use the Federal Highway Administration's Special Experimental Program 15 to fast track purchases of property within the plaza footprint. Port Huron officials were also concerned about what they felt was a lack of accurate and timely communication, lack of a concerted effort on the state's part to mitigate potential damages to the city and a feeling of being left out of the process, when of course they are the most integral stakeholder.

I am pleased to hear that the Michigan Department of Transportation has made progress in implementing the recommendations I suggested; postponing the use of the Federal Highway Administration's SEP-15 program as it pertains to the acquisition of property within the Plaza footprint, ensuring that the city officials are participating members of the process and putting forth greater effort to form a mitigation team to work with city and private stakeholders to offer resources and assistance in an attempt to offset some of the potential negative effects of the proposed project.

I have been informed by my staff that Port Huron City Manager Karl Tomion emerged from a meeting yesterday with MDOT and FHWA officials optimistic about the future of their relations and much more comfortable with the attitude expressed by the state and federal agencies.

I am hopeful that we can all continue to work together to insure that the City of Port Huron, the County of St. Clair and the residents continue to have a strong voice in this important and transformational project. Thank you for your assistance in this matter.

Sincerely,

STATE OFFICES



JENNIFER M. GRANHOLM GOVERNOR

## STATE OF MICHIGAN DEPARTMENT OF TRANSPORTATION LANSING

KIRK T. STEUDLE

March 21, 2007

Mr. Wallace R. Evans, Chairperson County of St. Clair Board of Commissioners District 6 10431 Dixie Highway Fair Haven, Michigan 48023

Dear Mr. Evans:

In response to your letter of January 25, 2007, the Michigan Department of Transportation has agreed to forgo pursuing property acquisition for the Blue Water Bridge Plaza and Corridor projects, through the Special Experimental Project (SEP-15) offered by Federal Highway Administration. We will continue to make hardship purchases, which are permitted under federal law. Hardship purchases help those who are most in need of relief during the lengthy decision-making process required by the National Environmental Policy Act. Those residential owners that can demonstrate hardship for health, safety, or financial reasons can be considered for early acquisition. We anticipate that the number of owners who qualify for this type of purchase will be much smaller than those anticipated for SEP-15. We also have limited funds to apply to hardship purchases.

For your information, I have enclosed a copy of our letter to Karl Tomion, Port Huron City Manager, which outlines our commitments to the Blue Water Bridge Plaza and Corridor Study. We will continue to find ways to exchange information with and develop dialogue among affected local governments, so that we can make positive progress toward a decision on these nationally-significant project proposals.

If you have any other questions or additional concerns, please contact either me or Susan Mortel, Director, Bureau of Transportation Planning, at 517-373-0343.

Sincerely,

Kirk T. Steudle

Director

Mr. Wallace R. Evans Page 2 March 21, 2007

#### BTP:PPD:ENV:MB:fg

cc: President George W. Bush

U.S. Representative Candice Miller

U.S. Senator Debbie Stabenow

U.S. Senator Carl Levin

Mayor Alan Cutcher, City of Port Huron

Karl Tomion, City Manager, City of Port Huron

Richard Capka, Federal Highway Administration

Frederick G. Wright, Jr., Executive Director, Federal Highway Administration

Paul Tait, Executive Director, SEMCOG

Carmine Palombo, Transportation Director, SEMCOG

Gerald Rowe, Transportation Director, SEMCOG

Mary E. Peters, Secretary, U.S. Department of Transportation

Michigan Association of Counties

Vanessa Blaxton

Karen Martin

Office of Governmental Affairs, MDOT

Dan Beattie (OGA sent him scanned copy)



JENNIFER M. GRANHOLM

# STATE OF MICHIGAN DEPARTMENT OF TRANSPORTATION LANSING

KIRK T. STEUDLE

March 5, 2007

Mr. Karl Tomion, City Manager City of Port Huron Municipal Office Center 100 McMorran Boulevard Port Huron, Michigan 48060

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If you have any questions, please contact either me or Susan Mortel, Director, Bureau of Transportation Planning, at 517-373-0343.

Sincerely,

Kirk T. Steudle

Director



#### COUNTY OF ST. CLAIR



#### **Board of Commissioners**

WALLACE R. EVANS Chairperson District 6 10431 Dixie Highway Fair Haven, MI 48023 Cell: 586-531-1910 wevans@stclaircounty.org

PAMELA J. WALL Vice-Chairperson District 7 1426 St. Clair River Drive Algonac, MI 48001 Home: 810-794-0643 pwall@stclaircounty.org

STEVEN L. SIMASKO District 1 5700 Cork Road Kenockee, MI 48006 Home: 810-387-0118 ssimasko@stelaircounty.org

DENNIS M. KEARNS District 2 614 Holland Avenue Port Huron, MI 48060 Home: 810-987-3968 dkearns@stelaircounty.org

HOWARD T. HEIDEMANN District 3 833 North Pointe Drive Port Huron, MI 48060 Home: 810-984-3053 Inheidemann@stclaircounty.org

PATRICK W. QUAIN District 4 369 Fourth Street Marysville, MI 48040 Home: 810-364-8726 pquain@stclaircounty.org

JEFF BOHM District 5 613 Jay Street St. Clair, MI 48079 Cell: 810-874-6554 jbohm@stelaircounty.org

OFFICE ADDRESS: 200 Grand River Avenue Suite 203 Port Huron, MI 48060 Phone: 810-989-6900 Fax: 810-985-3463 www.stclaircounty.org

VISION: We are the leader in innovative, customer-centered government.

MISSION: To continually improve public services that enhance the community for citizens and future generations of St. Clair County

January 25, 2007

Mr. Kirk T Stuedle, P.E.
State Transportation Director
Michigan Department of Transportation
425 W. Ottawa St.
P.O. Box 30050
Lansing, MI 48909

Re: Blue Water Bridge Plaza and Corridor Project

Dear Mr. Stuedle:

I am writing as Chairperson of the St. Clair County Board of Commissioners regarding the continued property acquisition for the Blue Water Bridge Plaza and Corridor Project. At a regularly scheduled meeting on January 17, 2007, a motion was made and unanimously approved to express our concern with the continuation of the project, as currently progressing, absent the development and approval of a proper mitigation plan.

The National Environmental Policy Act of 1969 established a supplemental mandate to the original law which required Federal agencies to consider the environmental impact of their proposals. Specifically the FHWA policy (23CFR§ 771.105) requires that alternatives be examined and evaluated to achieve a balance between the need for safe and efficient transportation, as well as the social, economic and environmental impacts of the proposed improvement. This Act was developed to insure the improvement chosen resulted in the least impact to the surrounding area prior to implementation of said project. We are aware that the Blue Water Bridge Plaza and Corridor project is proceeding without a proper mitigation plan being developed, analyzed or implemented. The waiver provided by SEP-15 is purely experimental. At this time, the long term consequences of failing to meet the standards required by current legislation is unknown. The acquisition of property before implementation of the project provides an opportunity for blight and various other undesirable results to develop, resulting in not only the immediate safety and environmental concerns to the affected community, but a long term lowering of property values in the surrounding areas. Additionally, the early acquisition of commercial property results in a premature loss of revenue to the taxing jurisdiction than otherwise would have occurred.



We are respectfully requesting that a formal mitigation plan be completed and approved by the City of Port Huron, applicable Townships and the County of St. Clair prior to the continued acquisition of property for the project. Further, we request that we be provided with the details of the Early Development Agreement, in accordance with SEP-15, along with the performance measures that have been established for the Michigan Department of Transportation for this project. Please respond to this request within fourteen days of receipt by your department and provide me with a written response indicating your intention to comply with this request.

Sincerely,

Wallace R. Evans

Chairperson, Board of Commissioners

Cc: President George W. Bush
Representative Candice Miller
Senator Debbie Stabenow
Senator Carl Levin
Alan Cutcher, Mayor City of Port Huron
Karl Tomion, City Manager, City of Port Huron
Richard Capka, Federal Highway Administrator
Frederick G. Wright Jr., Executive Director FHA
Paul Tait, SEMCOG Executive Director
Carmine Palombo, SEMCOG Transportation Director
Gerald Rowe, SEMCOG Transportation Director
Mary E. Peters, U.S. Department of Transportation Secretary
Michigan Association of Counties



MICHIGAN DEPARTMENT OF TRANSPORTATION 425 WEST OTTAWA STREET - P.O. BOX 30050 LANSING, MI 48909

An Equal Opportunity Employer

The Honorable George W. Bush President of the United States 1600 Pennsylvania Ave., N.W. Washington, D.C. 20500-003

Ms. Mary E. Peters, Secretary U.S. Department of Transportation 400 Seventh Street, S.W. Washington, D.C. 20590

Mr. Richard Capka, Chief Administrator Federal Highway Administrator 700 Seventh Street S.W. Washington, D.C. 20590

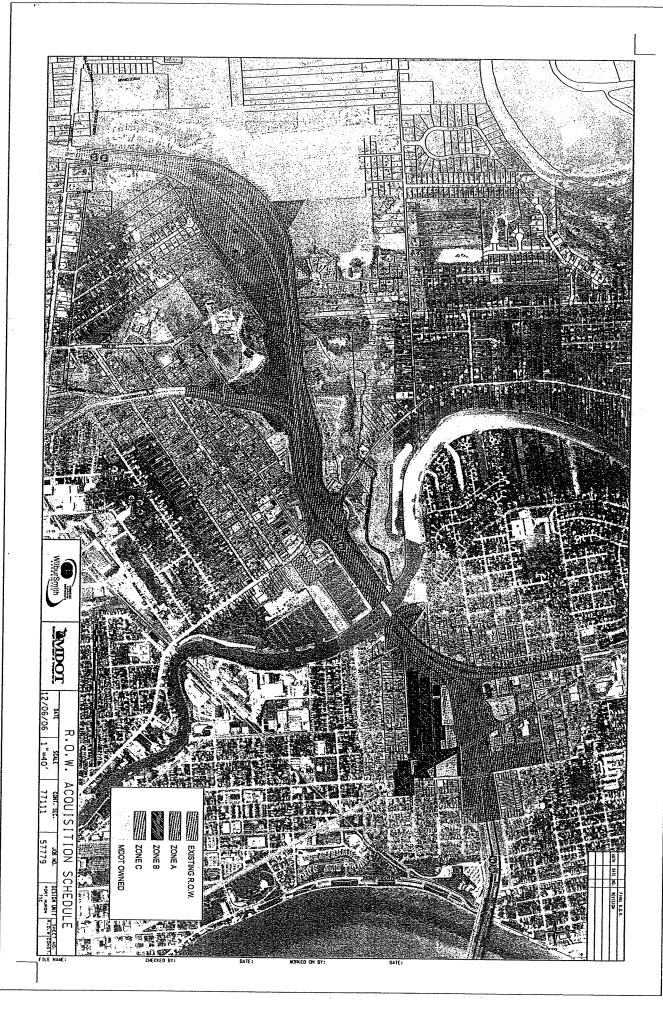
Mr. Frederick G. Wright, Jr. Deputy Administrator Federal Highway Administration 400 Seventh Street, S.W. Washington, D.C. 20590

#### Blue Water Bridge and I-94/I-69 Corridor Hardship Acquisition Protocol and Processing Procedure

BACKGROUND: Based on the limited amount of funding currently available, compared to the number of advanced acquisition requests already received, MDOT will adhere to the following protocol to determine the priority order in which hardship acquisitions will be recommended for purchase.

- 1. MDOT will review all request letters to determine which have sufficient justification that remaining in the property poses an undue hardship. Justification supporting the hardship acquisition must be on the basis of health, safety and/or financial reasons. (MDOT may seek additional information or supporting documentation.)
- 2. If a hardship is supported, MDOT will prioritize by construction staging. The three areas in priority order are:
  - A) I-94/I-69 Corridor
  - B) Pine Grove Relocated South of the Plaza
  - C) Northeast Quadrant of Plaza
- 3. Qualified hardships will be forwarded to FHWA for review and approval.

- 4. MDOT will notify qualified owners and proceed with advanced acquisition as required by law, policies and practices.
- 5. Qualified owners will be notified in writing if it appears there is not adequate funding currently available to process their request at this time.
- 6. Property owners will be notified if their request does not provide adequate justification for a hardship acquisition at this time.



#### Memorandum

DATE:

May 15, 2007

SUBJECT:

**Project Timeline** 

PROJECT:

Blue Water Bridge Plaza Study

**MDOT JN 57779** 



- July 1997 Second span of the Blue Water Bridge opens to traffic.
- 1997 Blue Water Bridge Authority issues a report regarding long-range plaza and highway design and operational needs.
- 1997 MDOT commissions a study with CH2M Hill to evaluate BWBA's comments and evaluate plaza and highway design and operational needs.
- 1999 CH2M Hill completes preliminary Toll and Plaza Operations study.
- September 11, 2001 Terrorist attacks on the World Trade Center. Delays following this
  incident resulted in 8 mile long back-ups at the border.
- Spring 2002 MDOT issues RFP for current study. Wilbur Smith Associates is selected consultant.
- September 2002 MDOT initiates Blue Water Bridge Plaza Expansion Study as an Environmental Assessment (EA).
- September 16, 2002 Federal agency meeting to discuss current plaza activities.
- September 2002 March 2003 MDOT develops 19 conceptual illustrative alternatives for improvements to the plaza and corridor.
- October 2002 Coordination letters and preliminary design information sent to Federal and State agencies.
- November 12, 2002 Federal agency meeting to discuss plaza needs and opportunities.
- March 13, 2003 First public meeting to introduce the study and study process.
- March 19, 2003 BWBA presents purpose and need to eliminate weave on Blue Water Bridge.
- April 29, 2003 MDOT holds first design charrette with stakeholders.
- April 2003 June 2003 Refine to 11 illustrative alternatives. Off-site location added to analysis as a viable plaza location.

- July 17, 2003 Federal agency meeting to review illustrative alternatives.
- July 2003 September 2003 Further analysis and refinement of illustrative alternatives leave 6 Alternatives.
- August 13, 2003 Canadian stakeholders meeting to discuss design and concerns.
- August 14, 2003 Meeting with State officials to provide update on project.
- September 23, 2003 Public Meeting to present illustrative alternatives.
- February 9, 2004 Meeting with City Council to provide update on project.
- February 10, 2004 Federal agency meeting to review alternatives.
- April 2004 Three practical alternatives selected for analysis as part of the EA Document.
- April 22, 2004 Federal agency meeting to refine practical alternatives as requested at the February 10 agency meeting.
- May 17, 2004 Public meeting to present updated alternatives.
- June 25, 2004 City/MDOT/FHWA/CBP meeting to discuss concerns and potential mitigation.
- July 27, 2004 Meeting with Federal and State agencies to present three alternatives and gain consensus from group.
- September 9, 2004 Federal agency meeting in Washington to refine alternatives.
- December 2, 2004 Federal agency meeting to discuss alternatives and traffic modeling.
- January 12, 2005 FHWA publishes Notice of Intent notifying public that the EA is going to be elevated to an EIS.
- January 2005 PA-1 dropped as practical due to high construction costs and restrictions to future expansion. Engineering analysis begins to higher level on PA-2 and PA-3.
- February 9, 2005 Public Meeting to present practical alternatives.
- March 7, 2005 CBP/BWBA meeting to provide project update.
- June 8, 2005 CBP/GSA/MDOT meeting in Washington to discuss issues with project prior to completion of DEIS.
- July 19, 2005 Federal and State agency meeting to discuss study updates, scheduling, and need to convert from EA to EIS.

- August 8, 2005 Federal agency meeting to discuss security issues associated with practical alternatives.
- August 2005 Existing and proposed plazas modeled to provide facility needs to be incorporated into the practical alternatives.
- September 1, 2005 Security and Emergency Management Task Force meeting to review each alternative for security concerns.
- December 2005 MDOT circulates preliminary Draft EIS for agency review and comments.
- December 30, 2005 CBP letter received from Richard Balaban, Assistant Commissioner of Office of Finance, indicating serious concern over PA-3.
- February 13, 2006 CBP/MDOT/FHWA meeting CBP recommends new hybrid alternative be analyzed, indicated PA-3 is not acceptable.
- March 13, 2006 Delivery Plan Workshop where ROW acquisition was determined to be critical path to project delivery.
- May 9, 2006 Advisory Committee meeting where "hybrid" alternative elements conveyed.
- June 12, 2006 CBP provides "hybrid" plan to MDOT (key element is that all CBP inspection functions must remain on-site in the City of Port Huron).
- July 2006 MDOT and FHWA agree on splitting the plaza and corridor into separate environmental documents in order to expedite needed improvements to the Black River bridge. An EA will be prepared for the corridor and an EIS will continue to be prepared for the plaza.
- July 27, 2006 Community and Neighborhood workshop to discuss vision and values.
- August 15, 2006 SEP-15 strategy conveyed to Advisory Committee (City representatives were in attendance) and update on "hybrid" alternative development.
- August 24, 2006 CBP/MDOT meeting to discuss details of PA-4.
- August 30, 2006 City/MDOT/CBP meeting CBP explains why one-way pair for Pine Grove around plaza is not acceptable due to security issues.
- September 26, 2006 PA-4 (hybrid) Public Information Meeting.
- November 29, 2006 MDOT, FHWA, CBP, and GSA issue press release identifying PA-4 as the alternative that best meets the purpose and need of the state and federal agencies.
- December 12, 2006 MDOT notified SEP-15 was approved (FHWA letter dated December 7, 2006).

- December 12, 2006 SEP-15 update provided to Advisory Committee (City reps in were in attendance).
- Week of January 3, 2007 MDOT officials receive calls from Port Huron City Manager expressing concerns over SEP-15 for the plaza.
- January 17, 2007 FHWA officials and MDOT meet with City officials to listen to their concerns regarding proceeding with the SEP-15 for the plaza. City officials state that they do not object to utilizing SEP-15 along the corridor.
- January 18, 2007 SEP-15 approval provided to Advisory Committee and indicated MDOT meeting with FHWA to work out agreement.
- January 22, 2007 City Council meeting where MDOT indicated PA-3 off table and SEP-15
   ROW acquisitions likely to go forward (MDOT learns that City objects to
   SEP-15 early voluntary acquisitions).
- February 26, 2007 After meeting with local officials, MDOT announces it is no longer
  pursuing the implementation of SEP-15. All Right-Of-Way acquisitions
  from this point forward will be limited to hardship purchases for medical,
  financial, or safety reasons until environmental clearance is received.
- April 2007 MDOT and FHWA combine the EIS for the plaza and the EA for the corridor due to concerns expressed by the City of Port Huron over wanting to fully evaluate the Township Alternative (PA-3) within the DEIS.
- May 7, 2007 City submits main concerns to MDOT regarding project purpose and need and traffic projections, and requests a new traffic study.



JENNIFER M. GRANHOLM

## STATE OF MICHIGAN DEPARTMENT OF TRANSPORTATION LANSING

KIRK T. STEUDLE DIRECTOR

May 30, 2007

Mr. James J. Steele, Division Administrator U.S. Department of Transportation Federal Highway Administration Michigan Division 315 W. Allegan, Room 201 Lansing, Michigan 48933

Dear Mr. Steele:

Blue Water Bridge Plaza Study Section 4(f) De Minimis Impact Determination for Port Huron Township Park No. 1

The Blue Water Bridge Plaza Study Team requests your review and approval of the Port Huron Park No. 1 de minimis impact determination as part of the Draft Environmental Impact Statement (DEIS) being prepared for the expansion of the Blue Water Bridge Plaza.

Port Huron Township Park No. 1 has been identified in the DEIS as a Section 4(f) protected property within the project study area. Port Huron Township Park No. 1 is located between Water Street and the Black River north of I-94/I-69. This 11-acre park includes a public service building, picnic equipment, a covered pavilion, playground equipment, and in the winter is a popular sledding location. Park No. 1 provides roughly 100 feet of frontage on the Black River and about 1,500 feet on Stocks Creek which provides fishing access to visitors.

All three Build Alternatives in the DEIS would reconstruct the I-94/I-69 mainline, the Water Street interchange, and the Black River Bridge and would have negligible effect on the function of the park. Potential impacts to the park from all three alternatives include:

- Minor property acquisition (approximately 0.3 acre) along the edge of the property that borders the I-94/I-69 westbound off-ramp.
- Temporary right-of-way (approximately 0.1 acre) at the entrance to the park to allow for driveway grading and connection to the new Water Street roadway.
- Potential storm water detention (approximately 1.2 acres) may be needed near the Black River for drainage purposes.

MDOT coordinated with Port Huron Township officials and with the Township Parks and Recreation Commission regarding the potential impacts to Township Park No. 1. Meetings were held with the Township Supervisor and Parks and Recreation Commission on Becember 6, 2006 and on February 9, 2007. Additionally, park exhibits were prepared and presented to the public as part of the public meeting held December 7, 2006 at the Girls Scout building on Water Street.

Mr. James J. Steele Page 2 May 30, 2007

On April 10, 2007, a letter was received from Port Huron Township indicating the following: "Based on information provided and the representations made by MDOT, the Charter Township of Port Huron believes that the proposed work will involve minor or de minimums use of the Port Huron Township Park No. 1". Further the letter indicated: "The Chairman of the Charter Township of Port Huron Parks and Recreation Commission has reviewed and agrees with the assessment of the impacts of the proposed project as well as the proposed mitigation". A copy of this letter is included. The following mitigation items have been agreed to:

- Potentially returning excess property to return to the township park.
- Landscaping the potential drainage easement so that it is an aesthetically pleasing natural area.

Potential impacts to Port Huron Township Park No. 1 have been determined to be de minimis based on the following:

- The transportation use (impact) of the park does not adversely affect the activities, features, and attributes that qualify the park for protection under Section 4(f).
- The Township officials with jurisdiction over the park have been informed of the intent to make the de minimis impact finding and have concurred with the finding (Township letter attached).
- The public have been afforded an opportunity to review and comment on the effects of the project on the park.

Based on the information above, we respectfully request FHWA's approval of the Section 4(f) de minimis impact determination for Port Huron Township Park No. 1. Thank you for your consideration of this request. If you have any questions, please contact me at 517-335-2622.

Sincerely.

Paul McAllister, Project Manager Blue Water Bridge Plaza Study Project Planning Division

Enclosure

3800 Lapeer Road, Port Huron, Michigan 48060

(810) 987-6600

Ms. Ann M. Lawrie Bureau of Transportation Planning Michigan Department of Transportation 425 Ottawa Street P.O. Box 30050 Lansing, MI 48909

Dear Ms. Lawrie:

The Charter Township of Port Huron supports the efforts of MDOT to improve the Water Street interchange. The Chairman of the Charter Township of Port Huron Parks and Recreation Commission has spoken with Matt Webb and several members of the Blue Water Bridge project team from your department regarding the proposed expansion and modification of Interstate Highway 94 throughout the Charter Township of Port Huron and its impact on our park system.

Based on information provided and the representations made by MDOT, the Charter Township of Port Huron believes that the proposed work will involve minor or de minimums use of the Port Huron Township Park #1, which has been determined to qualify as Section 4(f) property. Assuming that the information provided and the representations made by MDOT all prove to be accurate, it appears that the project will have no significant negative impact on the Township's park resources. The amount and location of the land to be used does not appear to impair the use of the remaining Section 4(f) property for its intended purposes.

The Chairman of the Charter Township of Port Huron Parks and Recreation Commission understands and agrees that, based on information provided and the representations made by MDOT, as a result of this project, the proposed work will not result in any temporary or permanent adverse change to the current activities, features or attributes which are important to the purpose or functions that qualify Port Huron Township Park #1 for protection under Section 4(f). It further appears that the project will include only a minor amount of the park's property. The Chairman of the Charter Township of Port Huron Parks and Recreation Commission has reviewed and agrees with the assessment of the impacts of the proposed project as well as the proposed mitigation.

The Charter Township of Port Huron does not, however, waive any rights it may have now or in the future to seek appropriate redress in the event the representations made by MDOT prove not to be accurate or if the impact on the

parks proves to be significant or otherwise jeopardizes their Section 4(f) qualification.

The Chairman of the Charter Township of Port Huron Parks and Recreation Commission appreciates the coordination efforts made on behalf of your department. If I can be of further assistance, please feel free to contact me.

Sincerely yours,

Timothy Sassanella Port Huron Township

Parks Commission Chairman

3800 Lapeer Road, Port Huron, Michigan 48060

(810) 987-6600.

Ms. Ann M. Lawrie Bureau of Transportation Planning Michigan Department of Transportation 425 Ottawa Street P.O. Box 30050 Lansing, MI 48909

Dear Ms. Lawrie:

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parks proves to be significant or otherwise jeopardizes their Section 4(f) qualification.

The Chairman of the Charter Township of Port Huron Parks and Recreation Commission appreciates the coordination efforts made on behalf of your department. If I can be of further assistance, please feel free to contact me.

Sincerely yours,

Timothy Sassanella

Port Huron Township Parks Commission Chairman



ENNIFER M. GRANHOLM GOVERNOR

# STATE OF MICHIGAN DEPARTMENT OF TRANSPORTATION LANSING

KIRK T. STEUDLE

June 11, 2007

Mr. Gary M. Crook Realty Specialist/Contracting Officer USDA, APHIS, MRPBS, ASD, Realty Team 100 North Sixth Street Butler Square, Suite 610-C Minneapolis, Minnesota 55403-1588

Re: Blue Water Bridge Plaza Study Preliminary Draft Environmental Impact Statement Review

Dear Mr. Crook:

Enclosed are two copies of the preliminary Draft Environmental Impact Statement (DEIS) for the Blue Water Bridge Plaza Study, in St. Clair County, Michigan. These documents are being distributed at the request of FHWA Michigan and the Michigan Department of Transportation (MDOT). The DEIS consists of two volumes, one main volume and one volume of 11 x 17 exhibits labeled Appendix E. This preliminary copy of the DEIS is being provided to assist your agency with its role as a Cooperating Agency for the study.

The Blue Water Bridge Plaza Study DEIS was created in a reader friendly format. This format was preferred by the Federal Highway Administration (FHWA) and MDOT, and differs from the traditional EIS format. The format is based partly on the Reader-Friendly Document Tool Kit published by Washington State Department of Transportation.

A separate technical report binder has been prepared for the study and will be sent out under separate cover.

This review is intended to confirm that the DEIS discusses your agencies' issues and meets your basic requirements for a DEIS as a Cooperating Agency. Your agency will still have the opportunity to make further comments on the DEIS and the alternatives during the regular DEIS comment period.

Mr. Gary M. Crook Page 2 June 11, 2007

MDOT and FHWA appreciate your commitment as a Cooperating Agency to a timely 30 day review of this preliminary DEIS. Comments from Cooperating Agencies are due by July 13, 2007. Please provide your comments to:

Mr. David Williams
Environmental Programs Manager
FHWA - Michigan Division
315 W. Allegan
Lansing, Michigan 48933
E-mail: david.williams@fhwa.dot.gov

Thank you for your ongoing assistance with this important project. If you have questions, please contact either me or Mr. Paul McAllister, Project Manager, Blue Water Bridge Plaza Study, at 517-335-2622.

Sincerely,

David E. Wresinski, Administrator Project Planning Division

enclosures

JUL | 2 0 2007 |

MICHIGAN DIVISION LANSING, MICHIGAN



U.S. Department of Homeland Security Washington, DC 20229

U.S. Customs and Border Protection

JUL 16 2007

Mr. David T. Williams Environmental Programs Manager Federal Highway Administration 315 W. Allegan, Room 201 Lansing, MI 48933

Dear Mr. Williams:

Thank you for the opportunity to review the Blue Water Bridge Plaza Study Draft Environmental Impact Statement (DEIS), which we received on June 11, 2007. After review of the DEIS, we have no further comments at this time.

We value our role as a cooperating agency and look forward to our continued partnership on this important project. If you have further questions for U.S. Customs and Border Protection regarding the DEIS or this project in general, please contact the Indianapolis Facility Center Project Manager, Luis Warner, at 317-614-4845.

Sincerely,

Chad L. Gilchrist

Chief, Field Operations Branch

U.S. Customs and Border Protection Office of Finance, Asset Management



The Honorable Carl Levin United States Senator 30500 Van Dyke Avenue Suite 206 Warren, Michigan 48093

Dear Senator Levin;

Thank you for your inquiry regarding the proposed redevelopment of the inspection facility at the Blue Water Bridge in Port Huron, Michigan. You requested that U.S. Gustoms and Border Protection (CBP) provide you with information concerning CBP's security needs, justifications, and expectations regarding this modernization project. We have recently completed our review of this matter. Please allow me to outline our findings.

As America's frontline border agency, CBP employs a highly trained and professional workforce, while utilizing our resources and law enforcement authorities, to discharge our priority mission of preventing terrorists and terrorist weapons from entering the United States while facilitating legitimate trade and travel and, thereby, ensuring the vitality of our economy. Additionally, CBP also performs the traditional missions of its legacy agencies, which include: apprehending undocumented aliens attempting to enter the United States illegally, stemming the flow of illegal drugs and other contraband, protecting our agricultural and economic interests from harmful pests and diseases protecting American businesses from the theft of their intellectual property, regulating and facilitating international trade, collecting import duties, and enforcing United States trade laws. Each day, CBP officers inspect more than 1.1 million arriving travelers, and examine their documents, baggage, and conveyances. Last year alone, CBP welcomed over 422 million travelers through official ports of entry, while processing more than 29 million trade entries valued at \$1.8 trillion, seizing 2.5 million pounds of narcotics, processing more than 25 million containers, intercepting 47,951 significant plant pests, and inspecting 132 million vehicles.

The events of September 11, 2001, as well as current terrorist activities abroad, have forever changed the way security and facilitation measures are implemented at our nation's borders. The new inspection facility at Port Huron must include space for CBP to execute the current procedures and technologies needed to protect the border while accommodating for unknown future inspection technologies and security requirements. Additionally, the overall acreage in which the facility is situated is approximately 14 acres. Other ports with comparable staffing and workload levels utilize a more optimally sized site of 80 acres to accommodate operations and efficient traffic movement. Moreover, the current facility is outdated for CBP's priority mission, and a modernized facility will better support CBP's ability to perform that mission.

CBP requires the following technologies to employ our priority mission:

 Radiation Portal Monitors (RPM): RPMs detect radioactive material and are installed in advance of all inspection booths at the Blue Water Bridge. Future expansion of the port must allow for room for additional RPMs, a RPM in the secondary inspection area, and a designated containment area.

Vehicle and Cargo Inspection System (VACIS): VACIS is used to scan freight contained on and in trucks, cargo containers, and cars. Currently, the VACIS employed at Port Huron is mobile. In comparison to the stationary systems, the mobile VACIS is much slower. The new facility would need enough space to accommodate a stationary VACIS to increase the speed of non-intrusive inspection at the port.

Indoor Cargo Docks/Warehouse Space: The current facility does not have room for cargo to be unloaded and inspected. If cargo needs to be inspected it is brought off-site. This takes additional time and can be potentially dangerous. The new facility would incorporate space for indoor unloading bays and adequate warehouse space to store cargo.

Export Control/Outbound Inspection: Currently, CBP conducts random exit
control interviews by flagging down outbound vehicles. The new facility will
enable CBP to have outbound inspection booths and facilities to enable CBP
to enforce export control regulations and to allow the inspection of certain
individuals when exiting the United States.

 Main Building Space: Since September 11, 2001, the number of staff stationed at Blue Water Bridge has increased to address CBP's priority mission of preventing terrorists and terrorist weapons from entering the United States. The main building space is not adequate to address the current staffing levels.

CBP is committed to working with the all federal, state, and local stakeholders to effectively and efficiently complete this important project.

I appreciate your interest in U.S. Customs and Border Protection. If you need any additional assistance, please contact me at (202) 344-1760.

Sincerely,

Thaddeus M. Bingel

Assistant Commissioner

Office of Congressional Affairs



Federal Highway Administration

Michigan Division

315 W. Allegan St., Room 201 Lansing, Michigan 48933 STATE OF MICHIGAN



#### JENNIFER M. GRANHOLM, GOVERNOR DEPARTMENT OF TRANSPORTATION

MURRAY D. VAN WAGONER (TRANSPORTATION) BUILDING 425 WEST OTTAWA - POST OFFICE BOX 30050, LANSING, MICHIGAN 48909

July 18, 2007

Mr. Karl Tomion, Manager City of Port Huron 100 McMorran Boulevard Port Huron, Michigan 48060

Dear Mr. Tomion:

As was communicated to you at our February 24, 2007 meeting, the Federal Highway Administration (FHWA), Michigan Division and the Michigan Department of Transportation (MDOT) remain committed to working with the City of Port Huron to respond to and address local community issues associated with the proposed Blue Water Bridge plaza improvement project. This communication serves as a summary of activities to date which our agencies have jointly completed to respond to concerns or questions raised by you or your staff.

The following modifications have been made as a result of your continued dialogue with our project team:

<u>Lapeer Connector Interchange</u>: In response to comments received from local stakeholders, the project study team revised the proposed Lapeer Connector alternative to provide full east-west access to the southwestern portion of the City of Port Huron. MDOT and FHWA believe this project enhancement will provide improved future access to the city for both economic and emergency response activities.

Right-of-Way Acquisition and Special Experimental Program -15 (SEP-15): Following extensive input from City of Port Huron and St. Clair County officials, MDOT and FHWA decided not to pursue the implementation of SEP-15 for the purposes of early right-of-way acquisition. At this time, MDOT is only pursuing right-of-way acquisition associated with limited hardship cases for financial, health, or safety reasons. As part of these limited acquisitions, MDOT and FHWA developed a hardship acquisition communication protocol, which included an approach to prioritize these purchases. This protocol was shared with the city and both agencies continue to follow these procedures for the limited residential hardship cases under consideration. Additionally, MDOT agreed not to pursue protective purchases for commercial properties within the city.

Mr. Karl Tomion Page 2 July 18, 2007

Improved Communications with Customs and Border Protection (CBP): Our agencies agreed to facilitate opportunities for enhanced project-level communication between local stakeholders, CBP, and the General Services Administration (GSA). On May 24, 2007, FHWA and MDOT facilitated a meeting with Michigan's CBP Director, Gurdit Dhillion, and other CBP and GSA staff. At this meeting, local stakeholders had an opportunity to hear first hand the existing security and custom processing deficiencies and custom processing requirements that are going unmet because of the current plaza configuration. Also, city officials requested follow-up meetings be held to further discuss specific design elements. On June 21, 2007, MDOT and FHWA facilitated the first of possibly several future meetings designed to better explain the deficiencies of the existing plaza and future plaza needs of CBP and MDOT.

Township Alternative Evaluation: As part of the Draft Environmental Impact Statement (DEIS), the city requested the township plaza alternative be evaluated equally within the DEIS. While we recognize that you have not yet had an opportunity to review the DEIS, both agencies assure you that the township alternative received a full evaluation within this document.

<u>Pine Grove Avenue Relocation</u>: After extensive consultation with you and your staff, MDOT and FHWA project team members have made significant design changes to the city west alternative to provide improved access to the business community north of Hancock Street. By utilizing a one-way pair system, businesses located north of the plaza will experience improved traffic operations and likely see an increased volume of vehicles passing by their entrances. This will also provide the city with enhanced future redevelopment opportunities. Both agencies believe the changes recommended by city staff reflect the true collaborative spirit of the National Environmental Policy Act process.

Monthly Meetings and Stakeholder Communications: Since February 2007, per the direction of city staff, MDOT and FHWA project team members have met individually with you and your key staff to further explain alternatives that are under consideration, DEIS progress, and key project developments. MDOT and FHWA believe these meetings have been extremely valuable for identifying and addressing city concerns, and both agencies are committed to continuing to meet throughout the duration of the environmental clearance phase of the project.

Additionally, MDOT has updated its Web site, developed an e-mail list-serve to communicate project information, and held open office hours every first and third Friday to answer project related questions for the citizens of your city. Both MDOT and FHWA are committed to not only continuing these efforts, but will be available for more focused community involvement activities once the DEIS has been released for public review. We hope you, your council, and the citizens of the city will take advantage of this opportunity to review and comment on our DEIS.

Both FHWA and MDOT believe our project team has met the commitment we made to you on February 24, 2007, to improve the flow of project related information between our agencies and the city. Clearly, the aforementioned achievements would not have been possible without your and your

Mr. Karl Tomion Page 3 July 18, 2007

staff's continued involvement in this project. We are committed to continuing these efforts as we move forward with the release of the DEIS, respond to comments on this document, and ultimately prepare the Final Environmental Impact Statement.

If you have any questions, please contact either Susan Mortel, Director, Bureau of Transportation Planning, MDOT, at 517-373-0343 or Ryan Rizzo, Major Project Manager, FHWA, at 517-702-1842.

Sincerely,

James J. Steele Division Administrator Federal Highway Administration Kirk T. Steudle

Director

Michigan Department of Transportation



Federal Highway Administration

Michigan Division

315 W. Allegan St., Room 201 Lansing, Michigan 48933 STATE OF MICHIGAN



#### JENNIFER M. GRANHOLM, GOVERNOR DEPARTMENT OF TRANSPORTATION

MURRAY D. VAN WAGONER (TRANSPORTATION) BUILDING 425 WEST OTTAWA - POST OFFICE BOX 30050, LANSING, MICHIGAN 48909

July 18, 2007

Mr. Shaun Groden, County Administrator St. Clair County 200 Grand River Avenue, Suite 203 Port Huron, Michigan 48060

Dear Mr. Groden:

As was communicated to you in February 2007, the Federal Highway Administration (FHWA), Michigan Division and the Michigan Department of Transportation (MDOT) remain committed to working with St. Clair County to respond to and address local community issues associated with the proposed Blue Water Bridge plaza improvement project. This communication serves as a summary of activities to date which our agencies have jointly completed to respond to concerns or questions raised by you or your staff.

The following modifications have been made as a result of your continued dialogue with our project team:

<u>Lapeer Connector Interchange</u>: In response to comments received from local stakeholders, the project study team revised the proposed Lapeer Connector alternative to provide full east-west access to the southwestern portion of the City of Port Huron. MDOT and FHWA believe this project enhancement will provide improved future access to the city for both economic and emergency response activities.

Right-of-Way Acquisition and Special Experimental Program -15 (SEP-15): Following extensive input from City of Port Huron and St. Clair County officials, MDOT and FHWA decided not to pursue the implementation of SEP-15 for the purposes of early right-of-way acquisition. At this time, MDOT is only pursuing right-of-way acquisition associated with limited hardship cases for financial, health, or safety reasons. As part of these limited acquisitions, MDOT and FHWA developed a hardship acquisition communication protocol, which included an approach to prioritize these purchases. This protocol was shared with the county and both agencies continue to follow these procedures for the limited residential hardship cases under consideration. Additionally, MDOT agreed not to pursue protective purchases for commercial properties within the City of Port Huron.

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Improved Communications with Customs and Border Protection (CBP): Our agencies agreed to facilitate opportunities for enhanced project-level communication between local stakeholders, CBP, and the General Services Administration (GSA). On May 24, 2007, FHWA and MDOT facilitated a meeting with Michigan's CBP Director, Gurdit Dhillion, and other CBP and GSA staff. At this meeting, local stakeholders had an opportunity to hear first hand the existing security and custom processing deficiencies and custom processing requirements that are going unmet because of the current plaza configuration. Also, follow-up meetings were requested to further discuss specific design elements. On June 21, 2007, MDOT and FHWA facilitated the first of possibly several future meetings designed to better explain the deficiencies of the existing plaza and future plaza needs of CBP and MDOT.

Township Alternative Evaluation: As part of the Draft Environmental Impact Statement (DEIS), the county requested the township plaza alternative be evaluated equally within the DEIS. While we recognize that you have not yet had an opportunity to review the DEIS, both agencies assure you that the township alternative received a full evaluation within this document.

<u>Pine Grove Avenue Relocation</u>: After extensive consultation with local officials, MDOT and FHWA project team members have made significant design changes to the city west alternative to provide improved access to the business community north of Hancock Street. By utilizing a one-way pair system, businesses located north of the plaza will experience improved traffic operations and likely see an increased volume of vehicles passing by their entrances. This will also provide the community with enhanced future redevelopment opportunities. Both agencies believe the changes recommended by county staff reflect the true collaborative spirit of the National Environmental Policy Act process.

Monthly Meetings and Stakeholder Communications: Since February 2007, MDOT and FHWA project team members have met individually with you and your key staff to further explain alternatives that are under consideration, DEIS progress, and key project developments. MDOT and FHWA believe these meetings have been extremely valuable for identifying and addressing local concerns, and both agencies are committed to continuing to meet throughout the duration of the environmental clearance phase of the project.

Additionally, MDOT has updated its Web site, developed an e-mail list-serve to communicate project information, and held open office hours every first and third Friday to answer project related questions for the citizens of your county. Both MDOT and FHWA are committed to not only continuing these efforts, but will be available for more focused community involvement activities once the DEIS has been released for public review. We hope you, your board, and the citizens of the county will take advantage of this opportunity to review and comment on our DEIS.

Both FHWA and MDOT believe our project team has met the commitment we made to you earlier this year to improve the flow of project related information between our agencies and the county. Clearly, the aforementioned achievements would not have been possible without your and your staff's continued involvement in this project. We are committed to continuing these efforts as we move

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forward with the release of the DEIS, respond to comments on this document, and ultimately prepare the Final Environmental Impact Statement.

If you have any questions, please contact either Susan Mortel, Director, Bureau of Transportation Planning, MDOT, at 517-373-0343 or Ryan Rizzo, Major Project Manager, FHWA, at 517-702-1842.

Sincerely,

James J. Steele

**Division Administrator** 

Federal Highway Administration

Kirk T. Steudle

Director

Michigan Department of Transportation

PPD:BTP:MW:kp

cc:

Senator Carl Levin

Senator Debbie Stabenow

U.S. Representative Candice Miller

Senator Jud Gilbert

Representative Espinoza

Representative Pavlov

Vanessa Blaxton



JENNIFER M. GRANHOLM

# STATE OF MICHIGAN DEPARTMENT OF TRANSPORTATION LANSING

KIRK T. STEUDLE

August 8, 2007

Mr. James J. Steele Division Administrator Federal Highway Administration 315 West Allegan Street, Room 201 Lansing, Michigan 48933

Dear Mr. Steele:

Enclosed are a title page and pre-printing copy of the Draft Environmental Impact Statement (DEIS) for the Blue Water Bridge Plaza Project in St. Clair County, Michigan (C.S. 77111, J.N. 57790).

This pre-printing copy contains the revisions requested by Dave Williams and other members of your staff during review of the preliminary draft.

Subject to any changes based on a final review by your staff, we are requesting Federal Highway Administration approval of the DEIS and permission to print copies of the document so that it can be distributed for public and agency review and comment.

Sincerely,

Susan P. Mortel, Director

**Bureau of Transportation Planning** 

Enclosures

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#### United States Senate

WASHINGTON. DC 20510

August 13, 2007

Robert Perez
Regional Director
Customs & Border Patrol
613 Abbott, Suite 300
Detroit, Mi 48226

Dear Mr. Perez,

We are writing to you regarding the proposed expansion of the Blue Water Bridge Plaza in Port Huron, Michigan.

The Michigan Department of Transportation is currently engaged in the Environmental Impact process and is expected to release its Environmental Impact Statement for public comment at the end of August 2007.

As you may know, the city of Port Huron has raised a number of concerns and questions regarding the role and requirements of the federal government, specifically Customs and Border Patrol (CBP), in this project. Given the serious economic impact of this project on the community, we ask for your response to these questions:

- Local officials have expressed concern that the land taken for this project will exceed the needs of the Department of Homeland Security, and neighboring areas will be impacted unnecessarily. As the plaza is located within a residential and business district in a populated city, the city would like to insure that the size and scale of the footprint of the plaza will be kept to the minimum needed to fulfill the nation's security and commerce interests. How many acres are required and how will the acreage be utilized?
- How was the square footage for the various buildings and facilities determined and how will each be utilized?
- Have the short term and long term needs of the project been delineated? What are the expected years of use for the project?
- City officials were told by Customs and Border Patrol that there are other communities
  with projects designed similarly to that being proposed for Port Huron. Where are these
  projects and can the design specifications for these projects be made available to the
  City?

• When the Environmental Impact Statement is released to the public, the City will have 60 days to respond. It is our understanding that thus far, the designs presented to the City of Port Huron have been "proposed" designs. When will the final designs be proposed? What input will the City of Port Huron have in these final designs? What process will Customs and Border Patrol use to address the questions and concerns of the City and community? We request that Customs and Border Patrol and the General Services Administration provide a finalized written design plan (non-secured) to the City, including the area proposed, the number of inspection bays and approximate square footage of office space.

City leaders would like the General Services Administration and Customs and Border Patrol to consider this plaza and its design unique because of its location in a populated city, and not use other expansions in under-populated border regions in determining the size of the Port Huron Plaza. The city has offered to make its staff available to the federal agencies to assist them in determining ways in which space can be saved or alternative design and planning can be used to minimize the plaza's impact on the surrounding neighborhoods. We hope that Customs and Border Patrol will take advantage of this offer.

We appreciate your prompt attention to theses issues and questions. Because of the impending release of the Environmental Impact Study, we would appreciate you contacting our Regional Representatives with your response by the end of August.

Vicki Selva, Regional Representative U.S. Senator Carl Levin 30500 Van Dyke, Suite 206 Warren, MI 48093 (586) 573-9145

Tomiko Gumbleton, Regional Manager U.S. Senator Debbie Stabenow 243 W. Congress, Suite 550 Detroit, MI 48226

(313) 961-4330

Sincerely,

Carl Levin

cc:

United States Senator

Debbie Stabenow
United States Senator

Jim Sharp, General Services Administration

Mark Lundgren, General Services Administration

Karl Tomion, City of Port Huron

Shaun Grodin, County of St. Clair

Matt Webb, Michigan Department of Transportation

### Blue Water Bridge Plaza Study Advisory Committee

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Mr.	William	Corbett	Police Chief	
Mr.	Robert	Eick	Fire Chief	
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Mr.	Кагі	Tomion	City Manager	
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